

REMARKS

The Examiner has rejected claims 1-20 and 23 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,816,878 to Zimmers et al. in view of U.S. Patent 6,813,283 to Takashimizu et al.

The Zimmers et al. patent discloses an alert notification system in which alerts may be received on the Internet and are transmitted directly to the appropriate subscribers via various means.

The Takashimizu et al. patent discloses receiving apparatus for digital broadcasting signal and receiving/recording/reproducing apparatus thereof, in which a digital broadcasting signal having a plurality of multiplexed logical channel signals is demodulated, and, in a first demultiplexer 404, a desired channel is selected, decoded in a decoder 405, and displayed on a television receiver 410. In addition the demodulated broadcasting signal is applied to a second demultiplexer 413 for selecting a desired channel to be recorded, a packet inserting means 453 inserts a packet into the selected channel signal and a recording reproducing apparatus 423 records the modified channel signal. An output from the recording/reproducing apparatus 423 applies the modified channel signal to the first demultiplexer 404 for applying a channel signal to the television receiver 410.

The subject invention enables an Internet-related system to be able to communicate notifications of events. A feature of standard radio and television systems is the ability to insert or

substitute notifications into, or in place of, programming being transmitted to a select group of receivers. The subject invention, as claimed in claim 1, includes "at least one sending device operatively connected to the data communications network, the at least one sending device sending a stream of packets", "at least one receiving device operatively connected to the data communications network, the at least one receiving device capable of receiving and processing data, the at least one receiving device receiving and rendering said stream of packets", "a monitor operatively in communication with the sending devices, the monitor further being able to access the set of selectively retrievable messages stored in the persistent data store", and "monitoring software, at least a portion of which is resident and executable within the monitor, the monitoring software causing the monitor to detect the event in the packet transmitted by the at least one further sending device, to select at least one of the selectively retrievable messages based on the event, to modify data in the packet containing the event to include the selected retrievable message, and to substitute said modified packet for a corresponding packet in said stream of packets, whereby said at least one receiving device renders said selected retrievable message".

The Examiner indicates that Zimmers et al. discloses an Internet data communications network interface as Notification Parsing (computer) System 106 which "may also receive information via Internet dissemination" (col. 6, lines 55-57). The Examiner further indicates that Zimmers et al. discloses, at col. 6, lines

46-67, the first sending device, the second sending device, the receiving device and the monitor as claimed in claim 1.

Applicant submits that the Examiner is mistaken. In particular, Zimmers et al. neither discloses nor suggests the first sending device, the receiving device nor the monitor, in that none of the devices disclosed in Zimmers et al. is "operatively connected to the (Internet) data communications network, the at least one sending device sending a stream of packets" nor "operatively connected to the (Internet) data communications network, the at least one receiving device capable of receiving and processing data, the at least one receiving device receiving and rendering said stream of packets". Rather, Zimmers et al. merely discloses computers interconnected via network communications 102, there being no disclosure of these computers sending or receiving a stream of packets via the Internet data communications network.

With regard to the monitoring software as claimed in claim 1, the Examiner makes reference to the Takashimizu et al. patent and cites all of claim 1 therein, and concludes:

"it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Takashimizu's teachings of a method and apparatus to select at least one of the selectively retrievable messages based on the event, to modify data in the packet, containing the event to include the selected retrievable message, and to substitute said modified packet for a corresponding packet in said stream of packets with the teachings of Zimmers, for the purpose of providing to provide a digital broadcasting signal receiving apparatus as well as a digital broadcasting signal receiving/recording/reproducing apparatus, capable of immediately reproducing a program recorded in a direct form of a digital signal without executing any

cumbersome operations similar to the above-described analog signal recording/reproducing VTR as stated by Takashimizu in lines 1-9 of column 2."

Applicant submits that the Examiner is mischaracterizing the Takashimizu et al. system. In particular, there is no disclosure or suggestion in Takashimizu et al. that the information of the inserted packet is obtained from a separate source. Rather, as described by Takashimizu et al. at col. 9, lines 1-5, "The packet inserting means 453 forms a packet into which the PIDs [Packet IDs] such as the PCR [Program Clock Reference], the video, and the audio acquired in the second demultiplexer 413 are described, and then inserts this packet into the input signal derived from the second demultiplexer 413." As such, the inserted packet merely describes information in the channel signal selected by the demultiplexer 413. Hence, there is no suggestion that the packet inserting means 453 could be used to insert information from another source, this inserted information not describing the selected channel signal. If such were the case, then the Takashimizu et al. apparatus would not be able to operate in its intended manner.

In view of the above, Applicant believes that the subject invention, as claimed, is not rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicant believes that this application, containing claims 1-20 and 23, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by /Edward W. Goodman/
Edward W. Goodman, Reg. 28,613
Attorney
Tel.: 914-333-9611